

REMARKS

The only issue set forth in the Action is a provisional double patenting (obviousness type) rejection of the original claims over claims 1-46 of copending application 10/832,464. This rejection is traversed.

The double patenting rejection is a provisional rejection, because the claims of the other application (10/832,464) are still pending before the Patent Office. The copending application is filed later than this application, and it has not yet received a first Office Action (at least as of August 15, 2005). It is respectfully submitted that the claims in this application are otherwise allowable. Accordingly, the Examiner should withdraw the provisional double patenting rejection and pass this case to issue. If a double patenting rejection should be made, the Patent Office can enter a non-provisional rejection in the later copending case, after this case issues as a patent. Attention is directed to Manual of Patent Examining Procedure, section 822.01.

An information disclosure statement (IDS) was filed May 4, 2005. Although the Office Action included a copy of the document citation form (PTO-1449) from that IDS, the copy of the form included Examiner's initials for only 4 of the 5 listed documents. The portion of the citation form relating to the last literature document by Tawil was not initialed. It is believed that a copy of the Tawil document was submitted with the IDS. A further copy can be provided upon request. Applicants request that the Examiner consider all of the documents cited in the May 4, 2005 IDS as part of the reconsideration of this application, and that the Examiner indicate consideration by initialing the form alongside the citation of the Tawil literature document and returning the fully initialed document listing (PTO-1449) with the next Official communication regarding this case.

This case should now be ready to pass to issue; and Applicants respectfully request a prompt favorable reconsideration of this matter. It is believed that this response addresses all

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issues raised by the August 10, 2005 Office Action. However, if any further issue should arise that may be addressed in an interview or obviated by an Examiner's amendment, it is requested that the Examiner telephone Applicants' representative at the number shown below.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read "Keith E. George", is written over a horizontal line.

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